

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re) Case No. _____
)
)
) NOTICE OF MOTION
) PURSUANT TO 11 U.S.C. §522(f)
) FOR AVOIDANCE OF LIEN
)
)
Debtor(s))

A motion, copy attached, was filed on behalf of the debtor(s) to avoid a lien pursuant to 11 U.S.C. §522(f).

The name and address of the debtor's attorney (or debtor(s), if no attorney) are:

The debtor's address and Taxpayer ID#(s) (last 4 digits) are: _____
_____.

If you wish to resist the motion you must, within 14 days of the service date shown below, file both a written response, and a certificate showing a copy of the response has been served on the person named above, with the Clerk of the Bankruptcy Court.

Contents of Response - A response must state the facts upon which the motion is resisted. See Local Form [#717.15](#) for details.

If you file a timely response, and the Court requires a hearing, all parties will be given notice of the hearing date, time, and location.

Failure to Respond - If no timely response is filed, the court may sign an ex parte order, submitted by the debtor(s), granting the motion.

Filing Address - If the 5-digit portion of the Case No. begins with "3" or "4", mail to 1001 SW 5th Ave. #700, Portland OR 97204; OR if it begins with "6" or "7", mail to 405 E 8th Ave. #2600, Eugene OR 97401. ECF participants must file electronically.

Clerk, U.S. Bankruptcy Court

I certify on _____ copies of this Notice, and the Motion, were served on the Trustee, U.S. Trustee, and all other parties named in the motion, whose names and addresses are listed below (Please Note: Service must be made pursuant to Fed. Bankruptcy Rule 7004 (e.g., 7004(b)(3) for corporations)):

Debtor's or Debtor's Attorney's Signature OSB #

717 (12/1/13) ****LOCAL FORM #717.15 ATTACHED IF this Notice served ON PAPER****

Todd N. Wilkinson, OSB 041161
Wilkinson Law Office, LLC
3006 E. Goldstone Drive, Suite 227
Meridian, ID 83642
(503) 913-9488

Of Attorneys for Rollie & Marci Kearns, Debtors.

IN THE BANKRUPTCY COURT OF THE UNITED STATES
FOR THE DISTRICT OF OREGON

In re:

Rollie Eugene Kearns
Marci Joy Kearns

Debtors.

Case No. 14-60235-tmr7

MOTION TO AVOID LIEN
PURSUANT TO 11 USC §522(f)

By and through their attorney, Todd N. Wilkinson, the debtors represents as follows:

1. Debtors filed their Chapter 7 Bankruptcy Petition on February 21, 2014. This Court has jurisdiction pursuant to 28 USC § 1141 and 11 USC § 522(f).
2. American Express Centurion Bank (American Express) was a creditor of the debtor and was listed on the debtors' bankruptcy schedules as American Express.
3. American Express was awarded a pre-petition judgment creating a judicial lien against the real property in the approximate amount of \$11,400 plus interest (Marion County Circuit Court Case No. 12C23602).
4. The real property located at 1256 Kotka Street, Woodburn, OR 97224 in the County of Marion and State of Oregon, with a legal description of:
M KRIVOSHEIN SUBDIVISION LOT 2 BLK 1

1 was listed under schedule A of the debtors' schedules and is exempt property as listed on
2 schedule C of the debtors' schedules. The fair market value of the real property as of the
3 date of filing was \$125,000.

4 5. Schedule D of the debtors' schedules lists debts secured by the real property to Chase
5 Home Finance LLC in the amount of \$127,000.

6 6. Any equity that exists in the real property is exempt under the \$45,950 homestead
7 exemption provided by 11 U.S.C. § 522(d)(1).

8 7. The existence of the American Express lien on debtors' real property impairs the
9 homestead exemption to which the debtors are entitled under the laws of the State of
10 Oregon and the applicable federal exemption.

11 WHEREFORE, the debtors pray for an Order avoiding the lien of American Express in its entirety
12 on the property described in paragraph 4 above.

13 DATED this 7th day of April, 2014.

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15 /s/ Todd N. Wilkinson

16 Todd N. Wilkinson, OSB #041161
17 Attorney for Debtors
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